

4/23/15

2:15 P.M.

Chapter No. 489
15/SS01/R269SG.1
CRS ITB/LR

SENATE BILL NO. 2022

Originated in Senate Ling Welch Secretary

SENATE BILL NO. 2022

AN ACT TO AMEND SECTION 97-29-61, MISSISSIPPI CODE OF 1972, TO PROHIBIT "PEEPING TOM" ACTIVITIES THAT DO NOT AMOUNT TO FELONIOUS TRESPASS; TO AMEND SECTION 97-29-63, MISSISSIPPI CODE OF 1972, TO PROHIBIT SURREPTITIOUS PHOTOGRAPHY OF A PERSON'S BODY OR UNDERCLOTHING UNDER CIRCUMSTANCES IN WHICH A PERSON WOULD REASONABLY EXPECT TO NOT BE THE SUBJECT OF SUCH PHOTOGRAPHY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-29-61, Mississippi Code of 1972, is amended as follows:

97-29-61. (1) (a) Any person who enters upon real property, whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the occupants thereof, shall be guilty of a felonious trespass * * *.

(b) Any person who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone,

into the interior of a bedroom, bathroom, changing room, fitting room, dressing room, spa, massage room or therapy room or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside and without the consent or knowledge of every person present, for the lewd, licentious and indecent purpose of spying upon the occupant or occupants thereof, shall be guilty of a felony.

(2) (a) Except as provided in paragraph (b) of this subsection, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than five (5) years.

(* * * b) When one or more occupants spied upon is a child under sixteen (16) years of age, a person who * * * was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section * * * shall be imprisoned in the custody of the Department of Corrections not more than ten (10) years.

SECTION 2. Section 97-29-63, Mississippi Code of 1972, is amended as follows:

97-29-63. (1) (a) It is a felony for any person * * * with lewd, licentious or indecent intent * * * to photograph, film, videotape, record or otherwise reproduces the image of another person without the permission of * * * the other person when * * *

the other person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony * * *.

(b) It is a felony for any person to invade the privacy of another person and with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduce the image of another, identifiable person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, the other person without the consent or knowledge of the other person and under circumstances in which the other person has a reasonable expectation that the other person's body or undergarments would not be viewed or would not be the subject of a reproduced image.

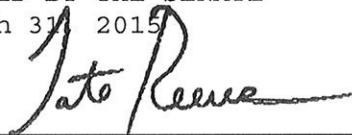
(2) (a) Except as provided in paragraph (b) of this subsection, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than five (5) years in the custody of the Department of Corrections, or both.

(* * *b) Where the person who is secretly photographed, filmed, videotaped or otherwise reproduced is a

child under sixteen (16) years of age, a person * * * who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section * * * shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.

SECTION 3. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
March 31, 2015



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4/23/15
2:15pm